

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 4.2
Eastern Division**

Motorola, Inc.

Plaintiff,

v.

Case No.: 1:08–cv–05427

Honorable Matthew F. Kennelly

Lemko Corporation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, August 10, 2011:

MINUTE entry before Honorable Matthew F. Kennelly: Certain defendants' motion to file instanter [775] is granted. In addition, Motorola has moved [745] for reconsideration of that portion of the Court's order of 6/2/11 that required it to produce discovery relating to "all source code providing or relating to location based services used in Motorola's phones or any other products from 2007 to the present, whether created by Motorola, MMI, or any third party." Motorola seeks a protective order precluding this discovery to the extent it extends beyond position determining entity (PDE) technology, and it requests more time to produce the responsive material. In response, Lemko argues only that the Court has already decided the issue and that Motorola has conceded the appropriateness of the discovery. This is insufficient. Though motions for reconsideration are disfavored, they are not barred. The Court directed Lemko to respond to this particular motion, making it relatively clear it was willing to reconsider the issue. Despite this, Lemko has made no effort to explain why it needs or is entitled to this discovery beyond the narrower scope that Motorola seeks. By contrast, Motorola has provided a cogent justification for narrowing the discovery request. The Court is persuaded that Lemko is not entitled to and does not reasonably require the requested discovery beyond PDE technology, and also that requiring Motorola to answer the request in its full scope would be unduly burdensome. The Court also rejects Lemko's contention that Motorola conceded the appropriateness of the requested discovery. For these reasons, the Court grants Motorola's motion for reconsideration and its motion for protective order and limits the discovery request at issue to responsive material concerning PDE technology. The Court rejects, however, Motorola's request for 60 more days to respond. Motorola has 28 days from today – until 9/7/11 – to produce the responsive material. The status hearing and ruling date of 8/11/11 is vacated. The hearing / ruling dates of 8/11/11 and 8/17/11 are vacated. The case is set for a status hearing on 10/12/11 at 9:30 a.m. (mk)

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